

Notice of Allowability

Application No.

10/664,065

Examiner

Nikita Wells

Applicant(s)

KOSHELEV ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview, Examiner's Amendment and Terminal Disclaimer received 14 April 2008.
2. ☒ The allowed claim(s) is/are 1-2 and 4-43.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 04/27/08.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Nikita Wells/
Primary Examiner, Art Unit 2881
April 27, 2008

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christophe F. Lair on April 9, 2008, and details of the key elements discussed between the Attorney and the Examiner, which were mutually agreed upon, was further presented in the "Letter to Examiner" received April 14, 2008. The Examiner has reconsidered the previous claim rejections as presented in the first Office Action mailed out October 9, 2007, and is presently considering all the claims 1-43 as initially presented by the Applicant.

The Examiner initiated an Interview with the Applicant to amend the independent claims 1, 32, and 42, so that they would contain allowable material in order that the application could be allowed. These claims are amended as follows:

In claim 1, on line 4: after "discharge elements", the following is inserted: --, wherein

said discharge elements are arranged around a rotation axis of said radiation source --.

In claim 32, on line 5: after "discharge elements", the following is inserted: --, wherein

said discharge elements are arranged around a rotation axis of said radiation source --.

In claim 42, on line 6: after "discharge elements", the following is inserted: --, wherein

said discharge elements are arranged around a rotation axis of said radiation source --.

Claim 3 is canceled.

Terminal Disclaimer

2. The terminal disclaimer received on April 14, 2008, disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent No. 6,933,510 B2, has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

3. Claims 1-2 and 4-43 are allowed.

Claims 6-24, 26, 36-41 and 43, are allowed in view of the submission of the Terminal Disclaimer. Claims 1-2, 4-5, 25, 32-35, and 42, are allowed in view of the Examiner's amendment presented above in paragraph #1. Claims 27-31 are also considered to be allowable as shown below.

4. The following is an examiner's statement of reasons for allowance for claims 1-2, 4-5, 25, 27-35, and 42.

With respect to the independent claims 1, 32, and 42, prior art fails to disclose or make obvious, in combination with other recited features of the claim limitations, a radiation source, system, and method, comprising an anode and a cathode that are configured and arranged to create a discharge, within a discharge element, in a substance in a discharge space between said anode and said cathode to form a plasma so as to generate electromagnetic radiation, said radiation source comprising a plurality of discharge elements, wherein said discharge elements are arranged around a rotation axis of said radiation source.

With respect to the independent claim 27, prior art fails to disclose or make obvious a method for operating a radiation source, constructed to have a low inductance, and comprising an anode and a cathode that are configured and arranged to create a discharge in a substance in a discharge space between said anode and said cathode to form a plasma so as to generate electromagnetic radiation, said method comprising generating an initial discharge followed by operating said radiation source so as to allow successive discharges to occur due to a substantially self-regulated oscillation within said discharge source. The key feature of the applicant's invention is the operation of the radiation source so as to allow successive discharges to occur due to a substantially self-regulated oscillation within said discharge source.

The dependent claims 2, 4-5, and 25; and 33-35, are allowable by virtue of their dependence upon the independent claims 1 and 32, respectively. The dependent claims 28-31 are allowable by virtue of their dependence upon the independent claim 27.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-

2293. The central fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nikita Wells/
Primary Examiner, Art Unit 2881
April 27, 2008